

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

IN RE:

MELODY NAKINA LEWIS,

Debtor.

IAN'S ENTERPRISE, LLC, an Oklahoma
limited liability company,

Plaintiff,

vs.

MELODY NAKINA LEWIS,

Defendant.

Case No. 18- 14388 SAH
(Chapter 7)

Adv. Pro. No. 19-1007 SAH

APPLICATION FOR AWARD OF ATTORNEY FEES

COMES NOW, Ian's Enterprise, LLC (the "Plaintiff") and pursuant to the Court's instructions at the hearing held on January 23, 2020 and files this Application for Award of Attorney fees.

1. On January 23, 2020, Trial commenced in this case and Stipulated Facts from the *Final Pretrial Order* filed January 10, 2020 [Doc. 23] were read into the record. Upon conclusion, counsel for Defendant, Stephen Harry, advised the Court that he mistakenly countered stipulated facts in Paragraphs 7, 8, and 11 in the Defendant's Facts section of the *Final Pretrial Order* rather than removing them from the Stipulations section. The Stipulated Facts confessed essential elements of Plaintiff's claim against Defendant and the Court concluded that under the manifest injustice standard it should permit amendment of the *Final Pretrial Order*. Accordingly, the Court continued the Trial to April 17, 2020 at 9:30 a.m.

2. To compensate the Plaintiff for economic harm caused by Defendant's counsel's mistake, the Court held that attorney Gary Hammond, counsel for the Plaintiff would be permitted to file an application for attorney's fees and costs incurred between January 10, 2020 and January 23, 2020 in preparation for Trial. The Court also held that any fees awarded will be payable by Stephen Harry to Gary Hammond by April 6, 2020 and that if the fees are not paid by that date, judgment will be entered in favor of Plaintiff against Defendant on Plaintiff's complaint filed January 18, 2019.

3. For attorney fees pursuant to the Court's instructions, Gary Hammond requests allowance of attorney fees in the amount of \$5,762 for legal services detailed on Exhibit "A" attached hereto.

NOTICE OF OPPORTUNITY FOR HEARING

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 14* days from the date of filing of this request for relief. You should also serve a file-stamped copy of your response or objection to the undersigned movant/movant's attorney [and others who are required to be served] and file a certificate of service with the Court. If no response is timely filed, the Court may grant the requested relief without a hearing or further notice.

***The 14 day period includes the three (3) days allowed for mailing provided for in Bankruptcy Rule 9006(f).**

NOTICE OF HEARING

If an objection filed, a hearing on this matter will be held on March 11, 2020 at 9:30 a.m. on the 9th Floor of the United States Bankruptcy Court for the Western District of Oklahoma, 214 Dean A. McGee Avenue, Oklahoma City, OK 73102.

WHEREFORE, PREMISES CONSIDERED, Ian's Enterprise, LLC requests the Court enter an order allowing attorney fees in the amount of \$5,762 to be paid by Stephen Harry to Gary Hammond and for such other relief as the Court deems equitable.

Respectfully Submitted,

/s/ Gary D. Hammond

Gary D. Hammond, OBA# 13825

MITCHELL & HAMMOND

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ATTORNEYS FOR IAN'S ENTERPRISE, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the February 10, 2020, a true and correct copy of this document was electronically served using the CM/ECF system to:

Stephen Harry
4101 Perimeter Center Drive, Suite 110
Oklahoma City, OK 73112

/s/ Gary D. Hammond

Gary D. Hammond, OBA# 13825